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## State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES  
OFFICE OF SECRETARY

### SCENIC RIVER MANAGEMENT PLAN for BAYOU LIBERTY

July 14, 2015

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of the

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This document specifies the general and specific management strategies used by the Louisiana Department of Wildlife and Fisheries (LDWF or the Department) as Administrator of the Louisiana Natural and Scenic River System to regulate and control activities on Bayou Liberty in its endeavor to protect and restore the natural and scenic qualities of the bayou. The document is divided into four parts. Part I addresses existing conditions in and along Bayou Liberty, and contains a discussion of some of its unique features. Part II addresses management strategies that are specific to Bayou Liberty or to designated segments of that stream. Part III describes the public coordination undertaken in the development of the Scenic River Management Plan. Part IV addresses Management Plan review, modification and implementation.

This management plan is not intended to be unchangeable nor all inclusive but rather an elaboration of the provisions of the Scenic Rivers Act and Rules and Regulations as specific as possible to Bayou Liberty based on the current knowledge and conditions known at the time of its development to assist in better accomplishing and applying those provisions.

#### D. LDWF's Recommendation to the Legislature (2010)

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#### E. House Bill No. 1256 (2010) - Designates Bayou Liberty

#### F. State of Louisiana, Office of State Lands - Waterbottom Ownership Determination

#### G. Scenic Rivers Program Contact Information

The headwaters of Bayou Liberty are found in St. Tammany Parish approximately one and a half miles southeast of St. Tammany (corner). The bayou flows from this point generally southward to its confluence with Bayou Lafourche near Lake Pontchartrain (Figure 1). Bayou Liberty, from its headwaters just north of Horseshoe Island, to its confluence with Bayou Lafourche, was designated a Louisiana National and Historic River in an amendment to the Scenic Rivers Act passed during the regular legislative session of 2010 by Act 406.

Bayou Liberty is approximately 15.7 miles long. The bed of the bayou is privately owned from its headwaters to a point approximately one-half mile north of Interstate 12. From that point southward to its entrance into Bayou Lafourche the State claims ownership of the waterbottom of Bayou Liberty (Office of State Lands). The bayou which is part of the Lake Pontchartrain Basin (designated approximately 20,000 acres of land (LSLA 012) and applies into Bayou Lafourche which then empties into Lake Pontchartrain. The bayou has not been channelized, cleared, snagged, or otherwise altered in the last 25 years (conversations with St. Tammany Parish gov). The primary land uses immediately adjacent to the bayou are silviculture and residential development; however, a large portion of the watershed, especially within the southern reaches remains undeveloped floodplain.

Bayou Liberty and the surrounding landscapes were utilized by Native Americans for thousands of years and inhabited by European settlers as early as 1730s. Many early settlers were drawn to the area by its abundant natural resources and are thus reported to have played a major role in the bayou's early economy. One of the more prominent early French settlers of the bayou, Bertrand Latier, who was also known by the moniker La Liberté, lent his name to the bayou which became known as Bayou Liberty. Settlement along the bayou remained sparse in the centuries that followed until the early 20<sup>th</sup> century when numerous attempts to develop residential subdivisions on the north shore of Lake Pontchartrain began. The first attempt that was considered successful occurred in the late 1950's when a large subdivided tract of land along the bayou took root. The construction of the Causeway led to even greater development within the watershed and over the decades that followed, the landscape became shaped as we know it today.



## Bayou Liberty, from its headwaters to Bayou Bonfouca

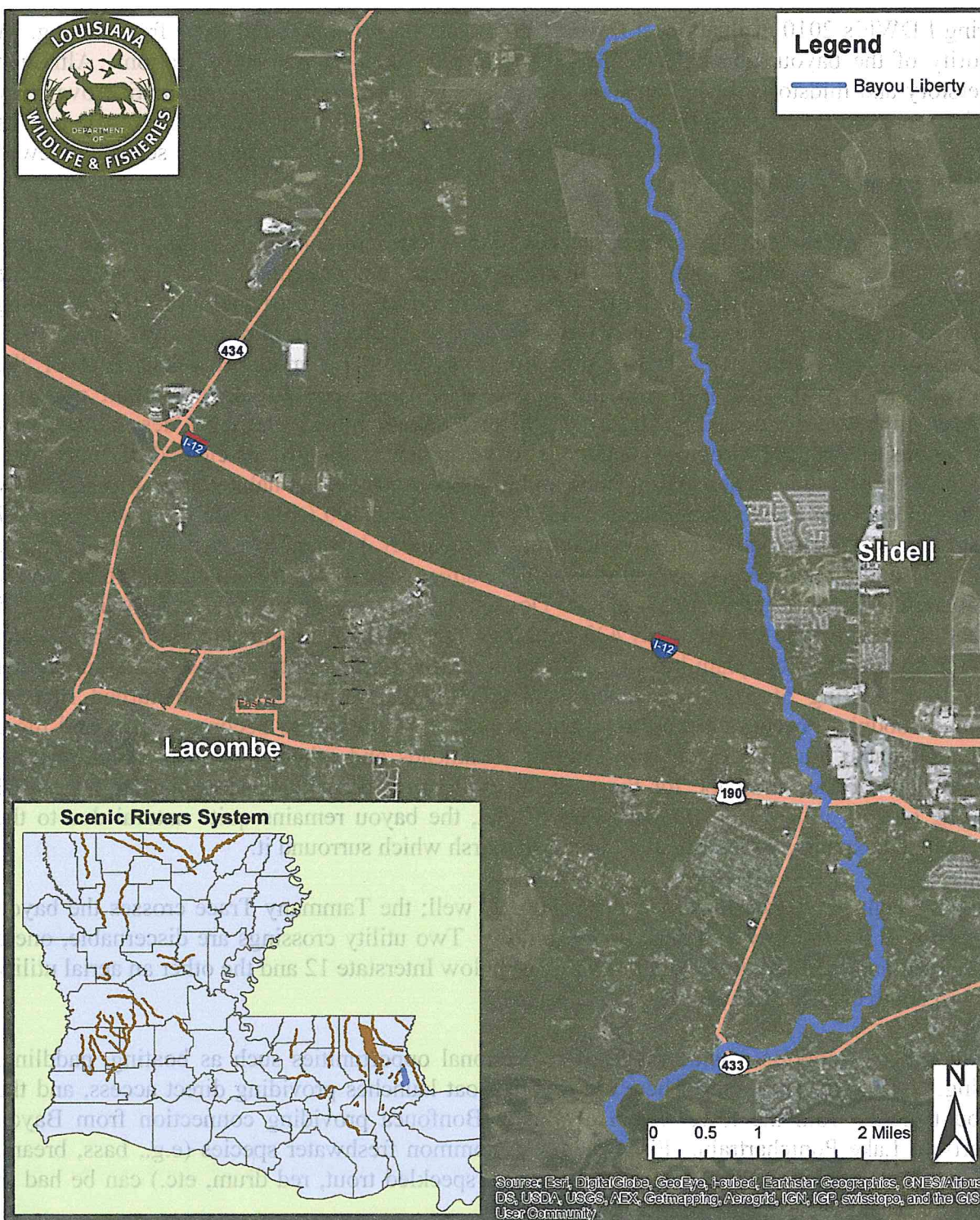


Figure 1. Bayou Liberty, from its headwaters to Bayou Bonfouca.



## Bayou Liberty Land Cover

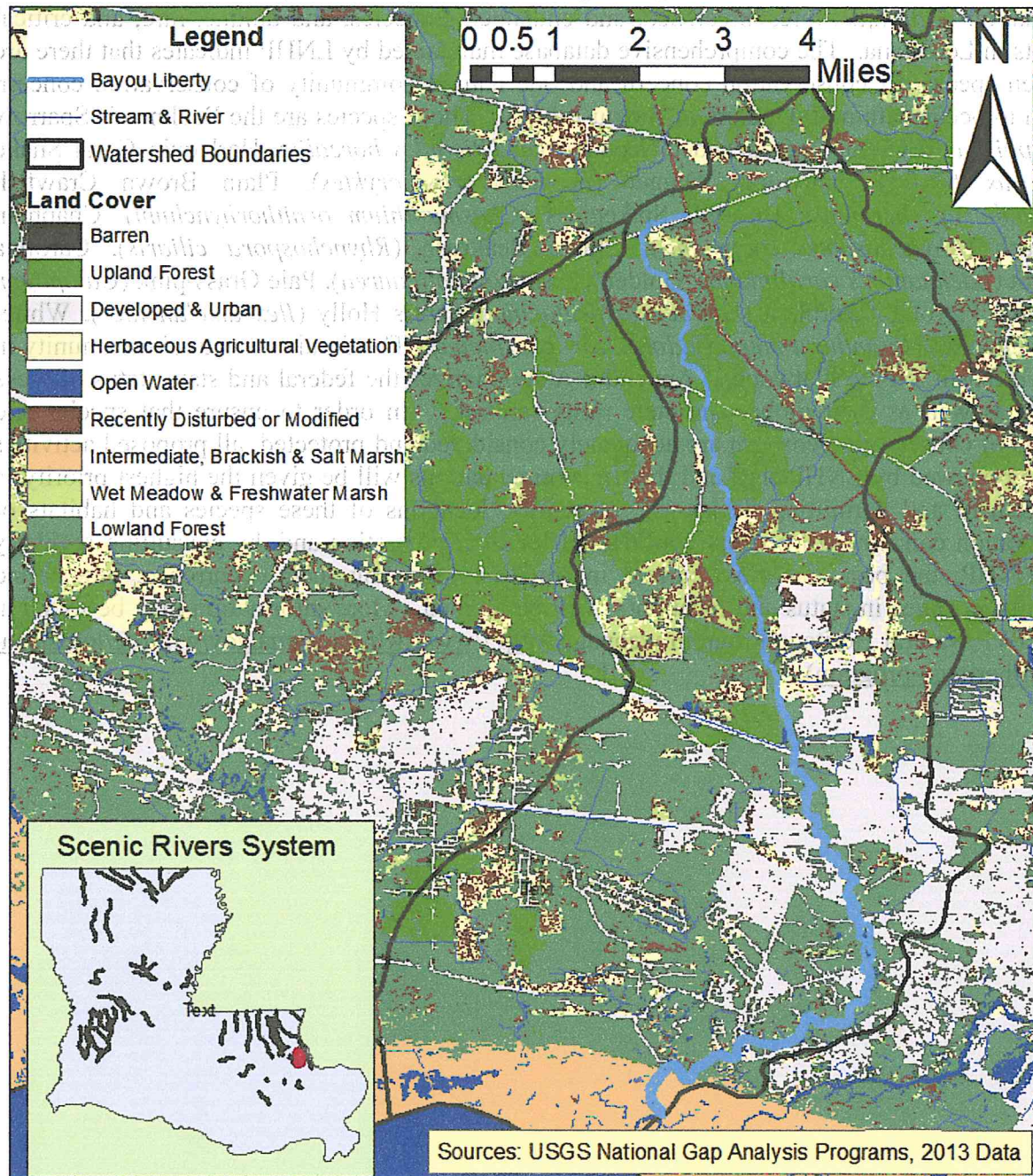


Figure 2. Land Cover in vicinity of Bayou Liberty



## Bayou Liberty Assessment

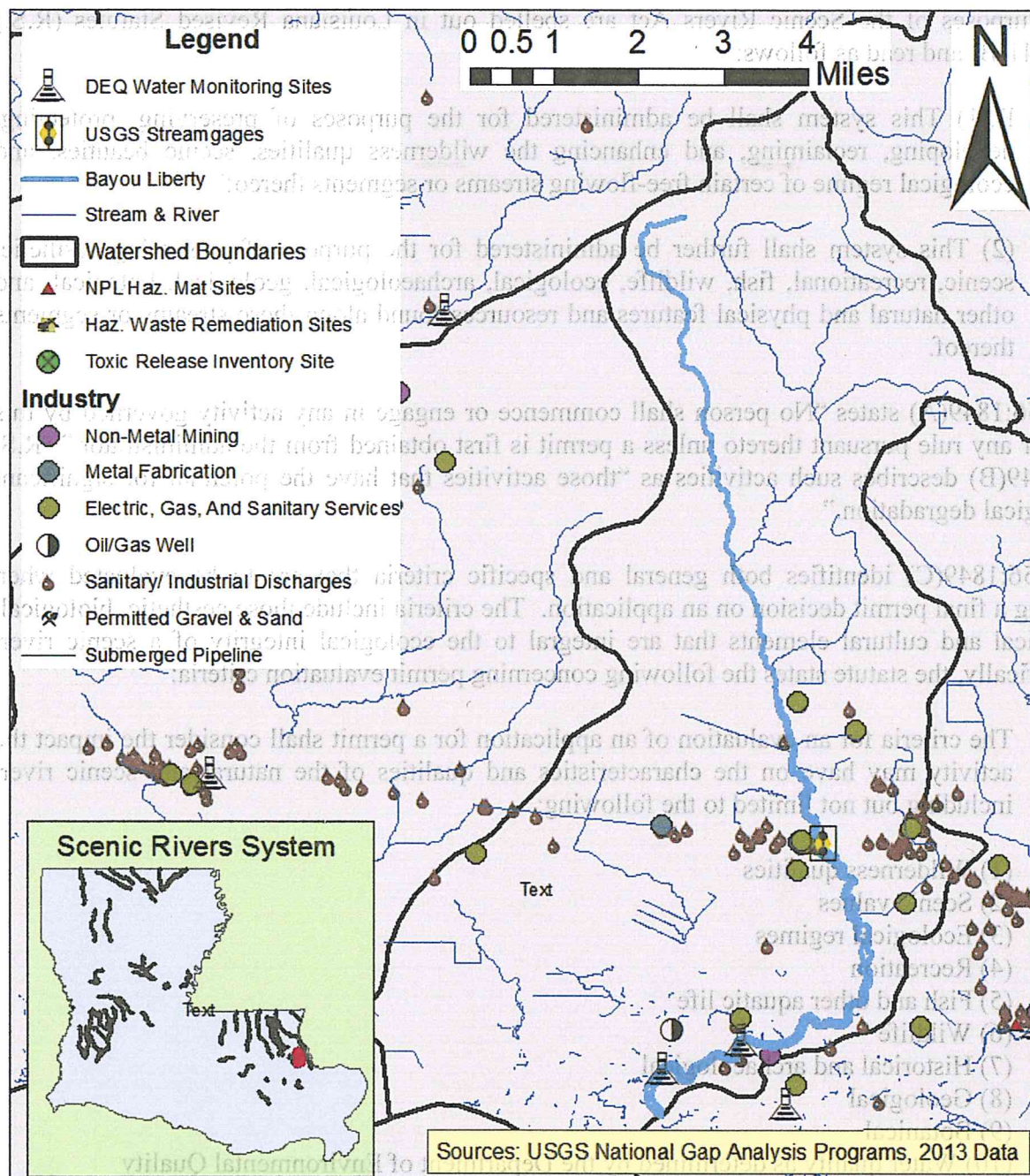


Figure 3. Potential industry/hazards and sample sites in vicinity of Bayou Liberty



reservoir construction of those rivers and streams included within this system. Violations of the provisions of this Section constitute a class six violation, R.S. 56:36. R.S. 1854 prohibits the commercial clear cutting of timber within one hundred feet of the ordinary low water mark of a Scenic River. Violations of the provisions of this Section constitute a class two violation, R.S. 56:32.

LDWF will not deviate from these directives unless a specific exception exists in R.S. 56:1855 stating otherwise.

Finally, LDWF will act, without bias, to take corrective enforcement action when violations of the Scenic Rivers Act are discovered. With respect to violations or potential violations, LDWF is very much dependent on reports from the general public, including resource users and adjacent landowners. Such reports are imperative in stopping violations as soon as possible and thereby limiting potential damage, which in some cases can take years to correct. Complaints should be reported to the LDWF Scenic Rivers Program (See Appendix G for contact information).

### **MANAGEMENT OF WATER QUALITY**

The Louisiana Department of Environmental Quality (LDEQ) reports that Bayou Liberty is not supporting Fish and Wildlife Propagation; however, it is supporting its designated uses of Primary Contact Recreation and Secondary Contact Recreation. LDEQ's 2011 Bayou Liberty and Bayou Bonfouca Watershed Total Maximum Daily Load (TMDL) report states that suspected causes of impairment are low dissolved oxygen, mercury, chlorides, sulfates, and total dissolved solids. The suspected source is On-site Treatment Systems (Septic Systems and Similar Decentralized Systems), package plant or other permitted small flows discharges, and unknown source. LDEQ is utilizing a phased TMDL approach for Bayou Liberty. This approach provides LDEQ with the opportunity to revise the DO criteria and at the same time, allows LDEQ to develop a meaningful and implementable DO TMDL based upon the appropriate DO criteria and in accordance with EPA's Consent Decree (E. D. La. 2002) deadlines. These efforts should lead to improved water quality while providing local governments and businesses the opportunity to prepare and adjust to the new permit requirements that will be implemented as a result of the TMDL developed in Phases I and II. One of LDWF's goals in managing Bayou Liberty is to improve the waterbody's ability to support recreation and wildlife propagation.

Appendix B contains a list of all LDEQ authorized direct and indirect discharges to Bayou Liberty, as of March 2015. The list includes those discharges in which Bayou Liberty is the first, second, third or fourth waterbody receiving the discharge. The list also includes the applicant name, outfall description and outfall location for each authorized discharge.

Numerous individual commercial package plants and individual residential treatment units discharging directly or indirectly into the watershed are suspected of having a major impact on Bayou Liberty. For St. Tammany Parish, LDEQ recommends incorporating such dischargers into a regional collection and treatment system.



effluent resulting from any modification or re-authorization of an existing NPDES or state permit for the discharge will meet the requirements of number 2 above.

Indirect discharges to Bayou Liberty will be subject to regulation by LDWF, LDEQ and EPA, and will not be permitted by the Scenic River Administrator if that indirect discharge will have a negative ecological impact on Bayou Liberty. If the indirect discharge is shown to exert a negative impact on Bayou Liberty, even if the discharge meets the State's water discharge permit limitations, an alternate receiving waterbody for the discharge will be mandatory.

### **3. Non-Point Source Discharges**

Vegetation in the riparian zone along Bayou Liberty is an important component of non-point source pollution control and water quality maintenance. Commercial removal of the riparian vegetative cover adjacent to the stream edge, regardless of the purpose for that removal, will require a Scenic River Permit. Removal of riparian vegetation by a private landowner for non-commercial use is a right guaranteed in the Scenic River Act, but if this removal results in an erosion problem, bulk-heading or rip-rapping of the affected area may not be permitted. Any permitted activity which results in the clearing of riparian vegetation and/or re-shaping of the land in the riparian zone will, depending upon the nature of the project, require on-site mitigation designed to prevent or reduce erosion, trap sediment, and re-establish a vegetative buffer strip.

### **4. Discharge of Treated and Untreated Sewage**

The Department of Wildlife and Fisheries shall address the issue of treated and untreated sewage discharged from residential sewer and septic systems as well as houseboats and similar vessels moored at marinas and elsewhere along the bayou. It shall be the goal of LDWF to eliminate all such discharges into Bayou Liberty. LDWF will work with the LDEQ, our Enforcement Division and our legal staff to make the laws already in place more enforceable.

All houseboats moored on Bayou Liberty for more than 30 days will require a Scenic River Permit and/or require that the houseboat have a letter of certification from the Health Unit of the parish within which the system stream is located, verifying that it has an approved sewerage disposal system on board. All occupants of houseboats and floating camps must utilize an approved sewerage disposal system when on a system stream. Furthermore, all houseboats must be moored to a legally permitted pier, piling, or bulkhead. Mooring to trees may be acceptable; however, connections must not damage the trees and written permission from the owner of the trees must be obtained.

## **MANAGEMENT OF RIPARIAN LAND USE**

The Department of Wildlife and Fisheries recognizes and respects that the vast majority of the riparian lands along the State's Scenic Rivers are privately owned. Therefore, LDWF understands that it has limited authority to dictate to a private landowner what that landowner can or cannot do with or on his property provided those activities do not affect property belonging to the State and the people of Louisiana. State property includes the water in streams and all natural populations of fish and wildlife.



Additionally, the following activities are prohibited by the Scenic River Act and cannot be permitted unless an exception is passed by the Legislature. Prohibited uses are (1) Channelization, (2) Channel realignment, (3) Clearing and snagging, and (4) Reservoir construction (impoundment), (5) Commercial clear cutting of timber within one hundred feet of the ordinary low water mark.

#### **A. Bridges**

New bridge crossings, replacements and repairs to existing bridges over Bayou Liberty will require a permit. Consistent with Federal and State construction and safety requirements, all new and replacement bridge crossings will avoid direct impact to the stream bed by using construction techniques which minimize or eliminate the need for structural support features in the stream, especially those such as in-stream pilings that may pose a hazard to navigation or cause debris to accumulate and block the channel. Rights-of-way will be reduced to the absolute minimum width required for physically locating and constructing the bridge and approaches. Filling of the flood plain to construct bridge approaches is discouraged by the Administrator. Fill will reduce the carrying capacity of that flood plain and restrict flood flows. LDWF favors maximizing the use of raised structures in lieu of "on grade" construction across the flood plain. The issue of construction on grade or on structure will be negotiated with the construction agency and will be addressed in the Scenic River Permit.

Bridge crossings across Bayou Liberty will be located to the maximum extent practicable in a reach with low potential for lateral migration of the stream bed in order to reduce potential future problems either for the stream or the bridge. Disturbance of the natural bank of Bayou Liberty during construction of the bridge is to be avoided. Equipment will not be allowed to ford the stream unless no other alternative method of construction is possible. All disturbed areas will be re-vegetated using native plant species as soon as possible after disturbance and accepted erosion control practices will be used throughout the construction phase of the project. No construction debris will be allowed in the stream, and all debris will be removed after construction is complete. Construction equipment will be stored or situated such as to prevent accidental spills of petroleum products or other chemicals from entering the stream. On-site supervisory personnel will be responsible for adhering to all stipulations of any Scenic River Permit.

Consideration of public access to Bayou Liberty at bridge crossings on public rights-of-way should be part of the planning process, and, if feasible, be incorporated by the Department of Transportation and Development or parish government as a project feature. This consideration is applicable to upgrading and replacing existing bridges as well as the construction of new bridges. Planning for public access must consider whether a boat ramp is appropriate and whether a reasonable amount of safe parking can be provided. A sign indicating that Bayou Liberty is a Louisiana Historic and Scenic River will be placed in a prominent location along the bridge approaches on both sides of the stream.

#### **B. Flood Control, Drainage & Navigation**

Impoundments, clearing and snagging, channelization, and channel realignment are all prohibited by the Scenic River Act. Therefore, flood control and navigation projects on all



## **2. Major Private Industry Projects**

The seven (7) most common intrusive activities conducted by the private sector are (1) pipeline corridors, (2) power line corridors, (3) oil and gas exploration, (4) sand, gravel and fill material extraction (5) agricultural operations, (6) silviculture, and (7) real estate development. All seven of those activities may require a Scenic River Permit depending upon the proximity of the activity to Bayou Liberty. Activities outside of the 100 foot buffer zone will be evaluated on a case-by-case basis to determine whether or not the activity has the potential to detrimentally affect or significantly degrade the ecological integrity of the bayou.

A significant consideration for these intrusive activities, especially pipeline and powerline corridors, oil and gas exploration and real estate development, is habitat fragmentation. It will be a priority of LDWF to locate these activities, to the greatest extent practicable, within or adjacent to existing utility or pipeline rights-of-way, roadways or other developed or disturbed areas. Locating activities in or adjacent to previously developed or disturbed areas will minimize habitat fragmentation which directly and adversely affects wetlands, waterbodies, wildlife and fisheries.

### **A. Pipeline Corridors and Crossings**

Every new pipeline crossing on Bayou Liberty will require a Scenic River Permit. Additionally, when appropriate, e.g. for oil and gas pipelines, LDWF will require that a Spill Containment and Countermeasures Contingency plan is provided to the Department. It is the policy of the Administrator to require subterranean, directional drilling/boring of pipeline crossings on Bayou Liberty. If that methodology is used, the drilling will take place such that:

- 1) the pipe will submerge and re-emerge at least 100 feet from the high bank of the stream;
- 2) the pipe will lie no less than 15 feet below the bottom of the stream;
- 3) the pipeline right-of-way will not be cleared above that segment of the line that is directionally bored and if the right-of-way is already cleared, it will be re-vegetated with native vegetation;
- 4) no water will be discharged to the stream;
- 5) work areas on either side of the stream will be adequately shielded from the stream to eliminate site run-off from entering the stream and to minimize impacts to the bayou's scenic and aesthetic qualities;
- 6) the owner of the pipeline will present to the Department an adequate plan for protecting the stream in the event of a pipeline rupture.

### **B. Power Line Corridors and Crossings**

Every new power line crossing Bayou Liberty, whether aerial or subterranean, will require a Scenic River Permit. Directional boring will be required for all subterranean crossings of Bayou Liberty. Aerial crossings, unless they are on or adjacent to existing utility rights-of-way, will be discouraged.



the applicant can expect to be required to strictly adhere to rigorous best management practices and permit conditions aimed at reducing potential impacts.

#### **D. Mining and/or Removal of Fill Material and Non-Renewable Resources**

Sand, gravel and fill material extraction from the stream bed of any Scenic River, including mining of gravel bars in braided portions of the stream channel, can create channel instability, increased stream turbidity, and degradation of aquatic habitat leading to increased bank erosion, channel relocation, and loss of fishery resources. Therefore, mining activities must be restricted to those areas not subject to inundation by Bayou Liberty. Furthermore, a significant forested riparian buffer is to be maintained between any proposed mining operation and the natural bank of Bayou Liberty.

Sand, gravel and fill material extraction from adjacent riparian, private lands is not a prohibited activity, but may require a Scenic River permit depending upon the distance of the activity from the stream and the relationship of the mining operation to the stream. Discharges of tailings and wash water directly to the stream or indirectly to the stream via a tributary or man-made ditch which results in an increase in the turbidity of the stream are considered a violation of the non-degradation clause of the Water Pollution Control Act and are, therefore prohibited by the Scenic River Act. Any existing mining operations along Bayou Liberty are subject to regulation by LDWF, and may be required to secure a Scenic River Permit from the Administrator to continue legal operations.

Additionally, no fill material shall be dredged from the water bottoms of the state, including Bayou Liberty, without a license issued by LDWF and a royalty payment shall be made to LDWF. Licenses to dredge, royalties, and exemptions are provided for in R.S. 56:2011.

#### **E. Agriculture**

Removal of water from Bayou Liberty for irrigation of farmlands or other uses is an activity that requires a Scenic River Permit from the Administrator. Water that is used to irrigate fields may not be allowed to flow directly back into Bayou Liberty without treatment because of the potential for increasing the turbidity of the stream or contaminating the stream with agricultural chemicals.

Clearing of riparian vegetation and cultivating within 100 feet of Bayou Liberty is discouraged by the Administrator and requires a permit from the Administrator because of the potential for ecological degradation of the stream. Conditions in a permit for this type of activity will be conditioned such that a vegetative buffer will remain adjacent to the stream in order to provide protection of fish and wildlife habitat and water quality. The Administrator recommends that Natural Resource Conservation Service (NRCS) recommended land conservation practices be implemented by agricultural landowners if runoff from these lands drain into a Scenic Stream.

Aerial application of pesticides and fertilizers to fields adjacent to Scenic Streams will require a Scenic River Permit. The potential for direct contamination and accidental contamination by drift poses a threat to the ecological integrity of any stream.



Anything that is placed or constructed within 100 feet of or directly into a Scenic Stream is subject to a Scenic River Permit. Furthermore, activities more than 100 feet from a Scenic River that have potential to significantly impact the ecological integrity of a system stream are subject to a Scenic River Permit. Each proposed project will be evaluated on its own merit and stipulations and conditions may be placed on the activity via the permit.

Under no circumstances will old car bodies, appliances, construction debris, concrete with exposed rebar, tires, tree tops or any other material not specifically designed for bank stabilization and erosion control be allowed to be used adjacent to or in Bayou Liberty. Should the use of erosion control methods and materials become necessary adjacent to Bayou Liberty, they must be commonly accepted engineering methods and materials and must be designed to mimic, as closely as possible, the natural stream bank. If riprap is used, it shall be of appropriate size and rip rap should be vegetated or joint planted throughout the project area (see NRCS National Engineering Handbook, Part 546, Technical Supplement 141, Streambank Soil Bioengineering for guidance).

Clear-cutting of trees for commercial purposes within 100 feet of a scenic river is prohibited by the Scenic River Act. Removal of trees within 100 feet of a Scenic River by the landowner for personal use or disease control is exempted from regulation by the Act. Disposal of trees or tree tops into Bayou Liberty is a violation of both the state Water Pollution Control Act and the Scenic River Act. The riparian landowner is liable for a violation of this nature regardless of who actually placed the trees into the stream. Therefore, the Administrator encourages the riparian landowners to be particularly cognizant of logging operations on their property.

#### **MANAGEMENT OF RECREATIONAL USE**

The designation of Bayou Liberty as a Scenic River does not convey any property rights to the state over privately owned riparian lands. Therefore, there is no mandate or obligation on LDWF to provide for public access to Bayou Liberty. The Department of Wildlife and Fisheries does want to promote recreational use of Scenic waterways and will work with public and private entities to promote these uses so long as water quality is suitable for sustaining such use and the proposed use has no negative ecological impact to the stream. If the opportunity arises through the permitting process, through negotiations with riparian landowners or, as mentioned above, at public bridge crossings, LDWF will attempt to provide adequate public access to the stream.

Use of a motor vehicle or other wheeled or tracked vehicle on a designated system stream is prohibited, except for permitted uses, and direct crossings by immediately adjacent landowners, lessees, or other persons who have written permission from the landowner to access adjoining tracts of land, for noncommercial activities in a manner that does not directly and significantly degrade the ecological integrity of the stream. Written permission must be in the person's possession and include the landowner's contact information.



## GENERAL BEST MANAGEMENT PRACTICES FOR SCENIC RIVERS

Best Management Practices (BMPs) are methods or technologies that, if correctly applied, are effective at minimizing adverse impacts of development activities. Using BMPs when conducting development activities adjacent to Scenic Rivers can ensure that wilderness qualities, scenic beauties and ecological regimes of streams and riparian areas are preserved, protected and enhanced. Below are some general BMPs for landowners to follow.

- Maintain a minimum vegetated buffer width of 100 feet between any proposed development and stream banks. The purposes of a vegetated riparian buffer are to protect water quality, to provide wildlife habitat and wildlife corridors, to provide shade to lower water temperatures for improved aquatic organism habitat, to maintain bank stability, to attenuate flood flow, to provide a source of detritus and woody debris for aquatic and terrestrial organisms, and to increase carbon storage.
- Conduct development activities in a manner that avoids disturbance to the forest floor, exposure of soils, and disturbance of stream banks.
- Preserve and protect existing vegetation where possible, especially trees.
- Remove sediment from stormwater before it leaves the site and stabilize disturbed soils during construction. Accepted measures include vegetated filter strips, silt fences, hay bales, seeding, mulch or other Environmental Protection Agency (EPA) stormwater runoff control best management practices.
- Re-vegetate exposed soils within riparian areas following disturbance as soon as possible. This may include seeding areas if disturbance temporarily ceases for more than 30 days.
- Handle and store toxic and hazardous material such as fuels and lubricants in containment and outside of riparian areas.

Links to web-based BMPs for specific technologies or methods (e.g., storm and surface water management, timber harvesting, construction site preparation, etc.) may be found at the LDWF Scenic Rivers webpage (<http://www.wlf.louisiana.gov/scenic-rivers>).



#### **A. Preservation of Cultural and Archeological sites**

LDWF received input from Louisiana State University's (LSU) Department of Anthropology regarding the occurrence of several culturally significant prehistoric and historic sites along Bayou Liberty. LSU expressed that there is need to protect both known sites and undiscovered sites along the bayou.

LDWF will coordinate with the Louisiana Department of Culture Recreation and Tourism to identify known sites and contribute to the formulation of any plans to protect imperiled sites. Locations of these cultural sites will be kept confidential for their protection. In order to ensure that elements are adequately considered and protected, all proposed activities that pose the potential to impact cultural sites will be submitted to the State Archeologist for review and their recommendations will be given careful consideration in management and permitting decisions.

#### **B. Flood Control / Stormwater Detention**

Several members of the public noted that since residential/commercial development has occurred within the watershed, especially north of U.S. Highway 190, they have seen recent flood stages exceed past levels and have experienced repeated flooding of areas which were known to be above historic flood elevation. Multiple contributors attributed the increased flooding to land clearing/conversion and insufficient stormwater detention/retention requirements of developed sites.

LDWF is aware that clearing, smoothing, regrading, covering of natural permeable surfaces, drainage "improvements", etc. all may have an impact to hydrology, including impacts to flood duration, flood stage levels, overall flood volume, etc. Although we do not have the means to study all pre-existing watershed modifications, LDWF will carefully review all future projects which have the potential to cause significant and/or cumulative impacts, and we will work with applicants and the appropriate regulatory agencies to help ensure that future hydrologic alterations are mitigated. Further, if pre-existing sites are shown to have significant adverse impact and become known to the Department, we will investigate these and work with land owners, pursuing corrective measures.

#### **C. Restoration / Protection of Cypress Trees / Eradication of Chinese Tallow**

Participants bemoaned the loss of bald cypress (*Taxodium distichum*) along Bayou Liberty. A portion of those who addressed the topic connected the injury to the effects of boat wake and subsequent erosion. Several asked for the establishment of "No Wake Zones" or Speed Limits. Two asked that cypress trees be restored to reduce bank erosion and one commenter asked for Chinese tallow (*Triadica sebifera*) control.

Please see section E. Boating Speed Limits / "No Wake Zones" below. Among other measures, LDWF may support the promulgation of rules for additional speed limits / "no wake zones" which are a justified means of reducing erosion and protecting cypress stands.

Regarding cypress restoration, although the Department may not be able to fund or implement riparian zone restoration, we will carefully consider the importance of bald cypress and their



regulations set forth by the Scenic Rivers Act and the strategies outlined within this management plan and endeavor to protect and restore these resources.

#### **G. Construction Buffer Increase**

Participants noted that future construction buffers need to be increased to prevent associated runoff from entering the bayou. Evidently impacts associated with recent projects were observed.

When permitting future developments, LDWF will consider project/site specific factors and attempt to ensure that adequate measures are prescribed and that any formulated Stormwater Pollution Prevention Plans are sufficient. In most cases, these measures will include at minimum a 100' wide vegetated buffer between the site and Bayou Liberty; however, if warranted, LDWF may increase the width of specific construction buffers.

#### **H. Upstream Developments**

Several participants made statements concerning recent upstream developments. They linked these developments to flood problems and runoff issues. Some asked that the Department take a research based approach to identifying / quantifying the impacts associated with these developments.

As stated under section B above, if pre-existing sites are shown to have significant adverse impact and become known to the Department, LDWF will investigate these and work with land owners, pursuing corrective measures. LDWF does not, however, have the resources to initiate studies of developments suspected to be detrimental to Bayou Liberty. In the future, LDWF will carefully review all proposed projects which have the potential to cause significant and/or cumulative impacts, and we will work with applicants and the appropriate regulatory agencies to help ensure that future impacts are avoided or mitigated.



LDWF has consulted with LDEQ's Office of Environmental services, inquiring about mercury sources along Bayou Liberty. If new information becomes available, LDWF will take appropriate actions; however, we have confidence in LDEQ's situational awareness, and at this time, plan no further action.

#### **J. Hazards to Navigation**

A couple of participants raised concern about hazards to navigation occurring within the bayou. One asked that LDWF investigate and implement a plan to clear the waterway of navigation hazards. Another stated that fallen trees associated with Hurricane Katrina were not completely removed and that Hurricane Isaac compounded the problem.

LDWF encourages the removal of white goods and other foreign debris and obstructions from the waterway, and Department staff will be available to review plans and provide valuable input during associated plan development. It should, however, be noted that LDWF is not responsible for and does not have the means to maintain navigation channels within designated Natural and Scenic Rivers. Further, as outlined in part B of MANAGEMENT OF STRUCTURAL INTRUSIONS, clearing and snagging are prohibited by the Scenic River Act. Although under certain conditions the removal or partial removal of natural obstructions from the stream can be accomplished, proposals to do so must be communicated to and coordinated with LDWF. Partial removal could entail cutting and removing the portions of logs/ trees which obstruct navigation while the mostly non-obstructing parts are left undisturbed.

LDWF believes that a large portion of naturally occurring large woody debris (LWD), especially established "black logs," should be allowed to persist within the river system. LWD is integral in maintaining the rivers ecological health by providing substrate for algal and other plant growth, habitat for many invertebrate species, and shelter and forage for larger, important vertebrate species. Furthermore, LWD is physically beneficial to the stream, influencing the shape, depth and flow of the water. Accumulations of woody debris can slow the speed along the banks (preventing erosion) and armor the bed and bank protecting against incision and erosion. To mitigate risks to navigation, LWD could be anchored along the shoreline in strategic locations and marked as needed.

#### **K. Posting of Signage**

A Participant requested that LDWF post signs to inform the visiting public that Bayou Liberty is a Designated Natural and Scenic River. The individual also requested that LDWF post signs reminding visitors that littering/dumping is unlawful.

Although LDWF does not currently have funding to provide signage, when permitting future roadway improvements and/or bridge replacements along/across Bayou Liberty, where appropriate, LDWF will require that the applicant post an official sign indicating that Bayou Liberty is a Louisiana Designated *Natural and Scenic River*. LDWF will also consider requesting that these applicants post Louisiana litter laws and penalties as well. As noted under the section above titled LITTERING AND DUMPING OF TRASH ON THE BANKS, if littering becomes a persistent problem, the Department will support and encourage any feasible



example, public comments will be taken into consideration in making Scenic River Permit decisions and in the development of permit conditions.

## 2. Written Comments

LDWF will provide a copy of the draft Bayou Liberty Scenic River Management Plan to those parties that requested an opportunity to review the plan and provide comments prior to implementation. As well, a draft copy of the plan will be posted on the Scenic Rivers website to allow further public review and comment. All comments will be reviewed carefully and all of the suggestions that were not already addressed in this plan or already specifically provided for in the Scenic Rivers Act and/or Rules and Regulations will be considered for incorporation into this plan. If some of those suggestions are accomplished through other Department processes, explanations of those will be given or elaborated on in the plan.

R.S. 20:184(C) states that "each agency may be notified in the same manner and procedure as provided for adopting the original plan." In addition to help ensure that this plan remains current and provide the continued public involvement, all interested parties are invited to provide the Department with any new information and/or suggestions as new situations arise or new knowledge becomes available that may help with appropriate management of the river. Such information can be kept on file with this plan for consideration in making permitting and planning decisions in the future. Comments and suggestions are welcome and will be considered as they come in. The plan will be made available on the Department's website with information on how to submit such information and suggestions.



## IMPLEMENTATION

This plan is considered to be in full effect and implemented upon the date of the Administrator's signature.



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Robert J. Barham  
Administrator, Louisiana Scenic Rivers System

7-31-2015

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Date



## **APPENDIX A**

Species of Conservation Concern Known to Occur on Bayou Liberty



Common Name	Scientific Name	Federal Status	State Status	Global Rank	State Rank
Bachman's Sparrow	<i>Aimophila aestivalis</i>			G3	S3
Bird-bill Spikegrass	<i>Chasmanthium ornithorhynchum</i>			G4	S2
Carolina Redroot	<i>Lachnanthes caroliniana</i>			G4	S3
Chapman Beakrush	<i>Rhynchospora chapmanii</i>			G4	S3
Ciliate Beakrush	<i>Rhynchospora ciliaris</i>			G4	S3
Flatwoods Digger	<i>Fallicambarus oryctes</i>			G4	S2S3
Golden Crest	<i>Lophiola aurea</i>			G4	S2S3
Harlequin Coral Snake	<i>Micrurus fulvius</i>			G5T5	S2
Pale Grass-pink	<i>Calopogon pallidus</i>			G4G5	S2
Parrot Pitcherplant	<i>Sarracenia psittacina</i>			G4	S3
Pine Flatwoods	<i>Pine flatwoods</i>			G2G3	S3
Plain Brown Crawfish	<i>Procambarus shermani</i>			G4	S2
Red-cockaded Woodpecker	<i>Picoides borealis</i>	Listed Endangered	Endangered	G3	S2
Sarvis Holly	<i>Ilex amelanchier</i>			G4	S2
White-fringe Orchid	<i>Platanthera blephariglottis</i> var. <i>conspicua</i>			G4G5T3T4	S1

- G1 = critically imperiled globally because of extreme rarity (5 or fewer known extant populations) or because of some factor(s) making it especially vulnerable to extinction
- G2 = imperiled globally because of rarity (6 to 20 known extant populations) or because of some factor(s) making it very vulnerable to extinction throughout its range
- G3 = either very rare and local throughout its range or found locally (even abundantly at some of its locations) in a restricted range (e.g., a single physiographic region) or because of other factors making it vulnerable to extinction throughout its range (21 to 100 known extant populations)
- G4 = apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery (100 to 1000 known extant populations)
- G5 = demonstrably secure globally, although it may be quite rare in parts of its range, especially at the periphery (1000+ known extant populations)
- T = subspecies or variety rank (e.g., G5T4 applies to a subspecies with a global species rank of G5, but with a subspecies rank of G4)
- S1 = critically imperiled in Louisiana because of extreme rarity (5 or fewer known extant populations) or because of some factor(s) making it especially vulnerable to extirpation
- S2 = imperiled in Louisiana because of rarity (6 to 20 known extant populations) or because of some factor(s) making it very vulnerable to extirpation
- S3 = rare and local throughout the state or found locally (even abundantly at some of its locations) in a restricted region of the state, or because of other factors making it vulnerable to extirpation (21 to 100 known extant populations)



## **APPENDIX B**

LDEQ Authorized Discharges to Bayou Liberty (2015)



AL_ID	AL_NAME	ACTIVITY_NO	PERMIT_NO	OUTFALL_NO	OUTFALL_DESC	WATERBODY_1	WATERBODY_2	WATERBODY_3	WATERBODY_4	LONGITUDE	LATITUDE
1609	WestMor Cryogenics LLC	GEN20120001	LAG533438	Outfall 002	Treated Sanitary Wastewater	Unnamed Tributary	Bayou Liberty	Bonfouca Bayou		-89.811944	30.301944
1609	WestMor Cryogenics LLC	GEN20120001	LAG533438	Outfall 003	Treated Sanitary Wastewater	Unnamed Tributary	Bayou Liberty	Bonfouca Bayou		-89.836389	30.503611
12830	Bayou Liberty Water Association	GEN20120001	LAG530716	Outfall 001	Treated Sanitary Wastewater	Bayou Liberty				-89.823611	30.270833
14221	Herron Wire Products Inc	GEN20120001	LAG532809	Outfall 001	sanitary wastewater	Bayou Liberty				-89.834722	30.301944
17609	Sunbelt Innovative Plastics LLC	PER20100002	LA0090409	Outfall 001	Previously monitored contact cooling \	Local Drainage	Unnamed Tributary	Bayou Liberty	Bonfouca Bayou	-89.813056	30.304167
17609	Sunbelt Innovative Plastics LLC	PER20100002	LA0090409	Outfall 101	Contact cooling water	Local Drainage	Unnamed Tributary	Bayou Liberty	Bonfouca Bayou	-89.813056	30.304167
17609	Sunbelt Innovative Plastics LLC	PER20100002	LA0090409	Outfall 201	Treated sanitary wastewater	Local Drainage	Unnamed Tributary	Bayou Liberty	Bonfouca Bayou	-89.813056	30.304167
17609	Sunbelt Innovative Plastics LLC	PER20100002	LA0090409	Outfall 301	Equipment washwater	Local Drainage	Unnamed Tributary	Bayou Liberty	Bonfouca Bayou	-89.813056	30.304167
19119	Coast Waterworks Inc - The Meadows Subdivision	PER20100002	LA0073148	Outfall 001	SANITARY WASTEWATER	Bayou Liberty				-89.834167	30.325556
19471	LA Water Service Inc - Oakmont Subdivision	GEN20140001	LAG570031	Outfall 001	Treated sanitary wastewater	Unnamed Ditch	Bayou Liberty			-89.824722	30.320556
19476	Louisiana Water Service Inc - Huntwyck Village	PER20120001	LA0065714	Outfall 001	Treated Sanitary Wastewater (Expecte	Unnamed Ditch	Bayou Liberty			-89.817222	30.291944
27080	2315 Hwy 190 Building	GEN20120001	LAG532824	Outfall 001	Treated Sanitary Wastewater	State Highway Ditch	Bayou Liberty			-89.833889	30.301667
33837	Curtis Environmental Utilities Inc - Timber Ridge Subdivision	GEN20140001	LAG570109	Outfall 001	Treated sanitary wastewater	Unnamed Ditch	Paquet Bayou	Bayou Liberty		-89.845556	30.300278
42602	The Southern District of the Lutheran Church - Missouri Synod	GEN20120001	LAG531992	Outfall 001	treated sanitary wastewater	Bayou Liberty	Lake Pontchartrain			-89.825833	30.324722
42622	New Life Ministries	GEN20120001	LAG530943	Outfall 001	Treated Sanitary Wastewater	Bayou Liberty				-89.791111	30.291389
43394	St Tammany Parish Police Jury - Thompson Road WWTP	GEN20120001	LAG530650	Outfall 001	Treated Sanitary Wastewater	Bayou Liberty				-89.831400	30.301100
51476	Slidell Municipal Airport	GEN20140001	LAG750283	Outfall 001	Exterior vehicle and equipment wash \	Bayou Liberty				-89.823681	30.344689
70933	Pit Stop #3	GEN20120001	LAG531535	Outfall 001	Treated Sanitary Wastewater	Bayou Liberty	Bonfouca Bayou			-89.832500	30.301389

AL_ID	AL_NAME	ACTIVITY_NO	PERMIT_NO	OUTFALL_NO	OUTFALL_DESC	WATERBODY_1	WATERBODY_2	WATERBODY_3	WATERBODY_4	LONGITUDE	LATITUDE
157614	All American Cargo Elevators LLC - All American Cargo Elevators LLC - WWTP	GEN20130001	LAG532770	Outfall 001	Treated sanitary wastewater	Local Drainage	Bayou Liberty			-89.858056	30.304722
157679	CMS Properties LLC - Albers AC & Heating	GEN20130001	LAG532786	Outfall 001	Treated Sanitary Wastewater	Parish Drainage Ditch	Bayou Liberty			-89.821111	30.312222
157724	Seventh-Day Adventist Church - WWTP	GEN20130001	LAG532799	Outfall 001	Treated Sanitary Wastewater	Bayou Liberty				-89.841667	30.303056
157725	St Genevieve Catholic Church - WWTP	GEN20150001	LAG532800	Outfall 001	Treated Sanitary Wastewater	Bayou Liberty				-89.844722	30.268333
157725	St Genevieve Catholic Church - WWTP	GEN20150001	LAG532800	Outfall 002	Treated Sanitary Wastewater	Unnamed Ditch	Bayou Liberty			-89.843889	30.272222
157924	Equity Creek Real Estate LLC	GEN20130001	LAG533803	Outfall 001	Treated Sanitary Wastewater	Unnamed Canal	Bayou Liberty			-89.820556	30.311944
157925	All American Lodge Greastest in Elkdom	GEN20130001	LAG532887	Outfall 001	Treated Sanitary Wastewater	Bayou Liberty				-89.817778	30.300833
157927	2319 Hwy 190 Building	GEN20130001	LAG532861	Outfall 001	Treated Sanitary Wastewater	Bayou Liberty				-89.834167	30.301944
157928	2317 Hwy 190 Building	GEN20130001	LAG532860	Outfall 001	Treated Sanitary Wastewater	Bayou Liberty				-89.834167	30.301111
157931	Assunta Restaurant of Slidell Inc - Assunta's Italian Restaurant	GEN20130001	LAG532904	Outfall 001	Treated Sanitary Wastewater	Bayou Liberty				-89.833611	30.304167
157934	Chill Rite	GEN20130001	LAG532842	Outfall 001	treated sanitary wastewater	Local Drainage	Bayou Liberty			-89.836944	30.319167
161289	St Tammany Parish School Board - Henry Mayfield Elementary School	GEN20130001	LAG541758	Outfall 001	Treated Sanitary Wastewater	Unnamed Ditch	Paquet Bayou	Bayou Liberty	Lake Pontchartrain	-89.876389	30.301389
163444	M & R File Service LLC - Russell & Michelle Bolotte	GEN20130001	LAG533101	Outfall 001-Treated Sanitary Wastewa	Unnamed Tributary	Bayou Liberty				-89.816667	30.301389
164343	Broadway Inc - K-Bar-B Youth Ranch - Cabins & Administrative Complex	GEN20130001	LAG533161	Outfall 001	Treated Sanitary Wastewater	Unnamed Ditch	Paquet Bayou	Bayou Liberty		-89.879444	30.306389
169771	Carl Hodge Rental	GEN20130001	LAG533393	Outfall 001	Treated Sanitary Wastewater	Parish Drainage Ditch	Bayou Liberty			-89.818333	30.311111
169789	Sparrows Offshore LLC	PER20100001	LA0125351	Outfall 001	treated sanitary wastewater	Local Drainage	Bayou Liberty			-89.814167	30.305278



## **APPENDIX C**

Senate Concurrent Resolution No. 38 (2009) - Nominates Bayou Liberty

SENATE CONCURRENT RESOLUTION NO. 38

BY SENATOR DONAHUE AND REPRESENTATIVE CROMER

A CONCURRENT RESOLUTION

To urge and request the secretary of the Department of Wildlife and Fisheries to evaluate and study the scenic Bayou Liberty located in St. Tammany Parish for inclusion in the Louisiana Natural and Scenic Rivers System.

WHEREAS, citizens living in St. Tammany Parish around and near Bayou Liberty conclude the banks and adjacent property along Bayou Liberty in St. Tammany Parish should be preserved, protected, and enhanced for the present and future benefit of landowners, for the continuing economy of the region, and for the natural beauty of the bayou and the surrounding area; and

WHEREAS, pursuant to the Louisiana Scenic Rivers Act, R.S. 56:1840, et seq., the Department of Wildlife and Fisheries is the appropriate agency to conduct an evaluation and is urged to study and submit recommendations to the legislature relative to the nomination of Bayou Liberty for possible inclusion as a Louisiana designated natural and scenic river.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the secretary of the Department of Wildlife and Fisheries to evaluate and study scenic Bayou Liberty in St. Tammany Parish, for inclusion in the Louisiana Natural and Scenic Rivers System, and to provide recommendations to the legislature as to what actions are necessary to maintain Bayou Liberty while ensuring its natural beauty.

THEREFORE, BE IT FURTHER RESOLVED that the legislature hereby requests the secretary of the Department of Wildlife and Fisheries to consider all possible alternatives available to ensure future protection and preservation of scenic Bayou Liberty.



## **APPENDIX D**

LDWF's Recommendation to the Legislature (2010)



BOBBY JINDAL  
GOVERNOR

## State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES  
OFFICE OF SECRETARY

ROBERT J. BARHAM  
SECRETARY

March 29, 2010

Senator "Nick" Gautreaux  
Chairman, Senate Natural Resources Committee  
P.O. Box 94183  
Baton Rouge, LA 70804

RE: 2009 Senate Concurrent Resolution No. 38; Nomination of Bayou Liberty in St. Tammany Parish for Inclusion in the Louisiana Natural and Scenic Rivers System.

Dear Senator Gautreaux:

The Louisiana Department of Wildlife and Fisheries, as directed by the Legislature, has completed an evaluation of Bayou Liberty in St. Tammany Parish which was nominated for inclusion in the Louisiana Natural and Scenic River System in the 2009 Legislative Session by SCR No. 38 authored by Senator Donahue and Representative Cromer. In considering the possibility of recommending that this stream be included in the Louisiana Natural and Scenic River System, we have evaluated it based on the inclusion criteria outlined in LRS 56:1845. A public hearing was held on March 2, 2010 at the Slidell Municipal Auditorium in Slidell, Louisiana. Public notices were run advertising this hearing in The Advocate and St. Tammany Farmer. There were 45 attendees made up primarily of adjacent landowners, Non-Governmental Organizations and the two authors of this resolution.

Our study of Bayou Liberty included its entire length, from its headwaters just north of Horseshoe Island Road to its entrance into Bayou Bonfouca. In researching State ownership of the waterbottom, we determined that the State claims ownership of the waterbottom of Bayou Liberty from a point approximately one-half mile north of Interstate 12 to its entrance into Bayou Bonfouca. From that point north to the Bayou's headwaters, the bed of the stream is privately owned.

We consulted with St. Tammany Parish Government and learned that Bayou Liberty has not been channelized, cleared or snagged, realigned, inundated or otherwise altered in the last 25 years. We also confirmed that the primary land uses immediately adjacent to the Bayou are silviculture, residential development, and undeveloped flood zone. The residential development is concentrated on that segment of the Bayou between U.S. Highway 190 to LA Highway 433. A significant amount of that rural residential development is 100 feet or further from Bayou Liberty due to the Bayou's wide floodplain in that area. In these developed areas, the scene as viewed from the Bayou still provides an aesthetically pleasing view.

Based on the information we have gathered on the physical characteristics and condition of the stream, we have determined that Bayou Liberty does possess natural and scenic qualities that are of value to the citizens of



## **APPENDIX E**

House Bill No. 1256 (2010) - Designates Bayou Liberty

Regular Session, 2010

HOUSE BILL NO. 1256

BY REPRESENTATIVE CROMER

WATERWAYS: Adds Bayou Liberty to the natural and scenic rivers program

1 AN ACT  
2 To enact R.S. 56:1847(64), relative to the natural and scenic rivers program; to add Bayou  
3 Liberty in St. Tammany Parish; and to provide for related matters.  
4 Be it enacted by the Legislature of Louisiana:  
5 Section 1. R.S. 56:1847(64) is hereby enacted to read as follows:  
6 §1847. Natural and scenic rivers  
7 The following rivers or designated segments thereof are hereby designated  
8 as being natural and scenic rivers:  
9 \* \* \*  
10 (64) Bayou Liberty - St. Tammany Parish.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Cromer

HB No. 1256

Proposed law adds Bayou Liberty in St. Tammany Parish to the natural and scenic rivers program.

(Adds R.S. 56:1847(64))



## **APPENDIX F**

State of Louisiana, Office of State Lands - Waterbottom Ownership Determination

BOBBY JINDAL  
GOVERNOR



KRISTY H. NICHOLS  
COMMISSIONER OF ADMINISTRATION

**State of Louisiana**  
**Division of Administration**  
**STATE LAND OFFICE**

February 25, 2015

Mr. Chris Davis  
LA Dept. of Wildlife and Fisheries  
P.O. Box 98000  
Baton Rouge, LA 70898

**Re: Liberty Bayou located within  
T8S-R14E, T9S-R13E & T9S-R14E  
St. Tammany Parish, Louisiana  
(SLO File No. 1490.6, 1491.8 & 1494.5)**

Dear Mr. Davis:

In accordance with your request of February 25, 2015, I have made a cursory review of State Land Office records to determine the state's claim to Liberty Bayou.

I have researched the official U.S. government township plat, 2004 aerial photography, various editions of the USGS quadrangle maps, and other information on file in our office to make a determination of state ownership of Liberty Bayou.

Within the above listed Townships, the state claims the bed and water bottom of Liberty Bayou as a historically navigable waterway. The State claims Liberty Bayou as shown shaded in dark blue and labeled *State Claimed Water Bottom* on the attached map. It should be noted that when more recent aerial photography is received in our office, the extent of state ownership may change due to continuously eroding and subsiding land conditions in Louisiana.

Article 9, Section 3 of the Louisiana Constitution states as follows:

"The legislature shall neither alienate nor authorize the alienation of the bed of a navigable water body, except for purposes of reclamation by the riparian owner to recover land lost through erosion..."





## **APPENDIX G**

### Scenic Rivers Program Contact Information



**LDWF Scenic Rivers Program Electronic Contact Form:**

<http://www.wlf.louisiana.gov/webform/scenic-river>

**LDWF Scenic Rivers Staff Contact Information:**

Matthew Weigel, Biologist Program Manager

985-543-4777 or [mweigel@wlf.la.gov](mailto:mweigel@wlf.la.gov)

Chris Davis, Biologist Manager

225-765-2642 or [rcdavis@wlf.la.gov](mailto:rcdavis@wlf.la.gov)

Zachary Chain, Biologist

225-763-3587 or [zchain@wlf.la.gov](mailto:zchain@wlf.la.gov)

**LDWF Scenic Rivers Webpage:**

<http://www.wlf.louisiana.gov/scenic-rivers>